

DATE: February 8, 2001

FILE REF: 4530

TO: Air Program Section Chiefs, Regional Air Team Supervisors

FROM: Jeffrey C. Hanson – NSR Team Leader, AM/7

SUBJECT: Fees for Research and Testing Exemptions<sup>1</sup>

The construction or modification of equipment used or to be used for the purpose of testing or research might qualify as an exempt activity under the Construction Permitting regulations provided the criteria of s. NR 406.04(1)(i), Wis. Adm. Code are met. The department reviews proposals for research and testing activities under these criteria and forms a preliminary determination as to whether the research or testing qualifies for the exemption. After forming a preliminary determination, the department may provide an opportunity for public comment and an opportunity for public hearing on the application and the analysis, per s. NR 406.04(1)(i)4, Wis. Adm. Code. Occasionally, in an effort to expedite the process, the applicant may offer to arrange for the publication of the public notice. Section NR 410.03(1)(c), Wis. Adm. Code does not entitle the applicant to a \$150 credit for publishing this notice towards the fee associated with the determination as required under s. NR 410.03(1)(b), Wis. Adm. Code. This credit only applies when the applicant publishes a notice associated with a construction permit, as listed under s. NR 410.03(1)(a), Wis. Adm. Code. Please distribute this information to your staff who are responsible for the review of and action upon construction permit exemption requests under the research and testing provisions of s. NR 406.04(1)(i), Wis. Adm. Code.

cc: Statewide Air Permit Staff  
Statewide Air Compliance Staff

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<sup>1</sup> This document is intended solely as guidance and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations and is not finally determinative of any of the issues addressed. This guidance does not create any rights enforceable by any party in litigation with the State of Wisconsin or the Department of Natural Resources. Any regulatory decisions made by the Department of Natural Resources in any matter addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts.